

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In re:

LAURENCE J. ZWIRN and
MARILYN ZWIRN,

Debtor.

Case No. 20B-17343
Chapter 7
Judge A. Benjamin Goldgar

NOTICE OF MOTION

To: See Attached Service List

Please take notice that on November 16, 2020 at 9:30 a.m., I will appear before the Honorable A. Benjamin Goldgar, or any judge sitting in his place and stead, and present the motion of Heartland Bank and Trust Company to Modify Stay, a copy of which is attached.

This motion will be presented and heard electronically using Zoom for Government.

No personal appearance in court is necessary or permitted. To appear and be heard on the motion, you must do the following:

To appear by video, use this link: <https://www.zoomgov.com/>. Then enter the meeting ID and password.

To appear by telephone, call Zoom for Government at 1-669-254-5252 or 1-646-828-7666. Then enter the meeting ID and password.

Meeting ID and password. The meeting ID for this hearing is 161 500 0972 and the password is 726993. The meeting ID and password can also be found on the judge's page on the court's web site.

If you object to this motion and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of

Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without a hearing.

By: /s/ Tina M. Jacobs
JACOBS & PINTA
One of the Attorneys for Heartland Bank and Trust

Tina M. Jacobs, Esq. – ARDC 6190255
Joy Pinta, Esq. – ARDC 6278250
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CERTIFICATE OF SERVICE

I, Tina M. Jacobs, an attorney, certify that I served this Notice and the accompanying Motion to Modify Stay by mailing copies thereof to the addressees on the attached service list at the address indicated thereon and depositing same, or causing same to be deposited, in the U.S. mail at 77 West Washington Street, Chicago, Illinois before the hour of 5:00 p.m. on October 26, 2020, with proper postage prepaid.

/s/ Tina M. Jacobs

Tina M. Jacobs

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SERVICE LIST

1. Laurence J. Zwirn
2304 Magnolia Ct. E
Buffalo Grove, IL 60089
2. Marilyn Zwirn
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Buffalo Grove, IL 60089
3. David M. Siegel, Esq.
DAVID M. SIEGEL & ASSOCIATES
790 Chaddick Drive
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4. John E. Gierum, Esq., Trustee
GIERUM & MANTAS
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5. Patrick S. Layng, Esq.
Office of the U.S. Trustee, Region 11
219 S. Dearborn Street, Room 873
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6. Dana N. O'Brien, Esq.
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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

IN RE:

LAURENCE J. ZWIRN and
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Debtors.

Chapter 7

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MOTION TO MODIFY SECTION 362 AUTOMATIC STAY

NOW COMES HEARTLAND BANK AND TRUST COMPANY, by its attorneys, Tina M. Jacobs and Joy Pinta, and moves this Court to modify the Section 362 automatic stay in the above-entitled Chapter 7 bankruptcy proceeding filed by the Debtors, LAURENCE J. ZWIRN and MARILYN ZWIRN, on the following grounds:

1. On or about March 16, 2004, Heartland Bank and Trust Company made a loan to the Debtors in the principal amount of \$600,000.00 (the "**Loan**").

2. The Loan is evidenced by the Promissory Note dated March 16, 2004, made by the Debtors and payable to Heartland Bank and Trust Company in the amount of \$600,000.00 (the "**Note**"), a true and correct copy of which is attached hereto as Exhibit "A."

3. The Loan is secured by the Mortgage dated March 16, 2004 (the "**Regent Mortgage**"), covering the property commonly known as 444 Regent, Buffalo Grove, Illinois 60089 (the "**Regent Property**"), and recorded in the Office of the Recorder of Deeds of Cook County, Illinois, on March 29, 2004, as Document No. 0408933062, a true and correct copy of which is attached hereto as Exhibit "B."

4. The Loan is further secured by the Mortgage dated March 16, 2004 (the "**Indian Springs/Silver Rock Mortgage**"), covering the property commonly known as 760 Indian Springs, Buffalo Grove, Illinois 60089 (the "**Indian Springs Property**") and the property commonly known as 790 Silver Rock Lane, Buffalo Grove, Illinois 60089 (the "**Silver Rock Property**"), and recorded in the Office of the Recorder of Deeds of Lake County, Illinois, on April 26, 2004, as Document No. 5545457, a true and correct copy of which is attached hereto as Exhibit "C."

5. The terms and conditions of the Note were modified from time to time pursuant to certain Change in Terms Agreements and Debt Modification Agreements.

6. There remains a principal balance due on the Loan in the amount of \$544,301.07, plus accrued interest to September 21, 2020 in the amount of \$2,540.06, with per diem interest thereafter at the rate of \$60.48 per day, loan fees of \$14,482.94, late charges of \$116.91, and an escrow deficit of \$51.60, together with attorneys' fees and costs.

7. The total appraised value of the Regent Property, the Indian Springs Property and the Silver Rock Property, as indicated by the Debtors' schedules, is approximately \$785,000.00.

8. The Debtors have indicated in their Statement of Intention that their intent is to surrender the Regent Property, the Indian Springs Property and the Silver Rock Property to Heartland Bank and Trust Company and that they have no objection to the relief sought herein.

9. The Regent Property, Indian Springs Property and Silver Rock Property are not necessary for an effective reorganization of the Debtors.

WHEREFORE, HEARTLAND BANK AND TRUST COMPANY respectfully requests that this Court enter an Order modifying and terminating the Section 362 Automatic Stay as to the Debtors, LAURENCE J. ZWIRN and MARILYN ZWIRN, and the property located at 444 Regent, Buffalo Grove, Illinois 60089, 760 Indian Springs, Buffalo Grove, Illinois 60089, and 790 Silver Rock Lane, Buffalo Grove, Illinois 60089, and grant such other and further relief as may be just in the premises.

Respectfully submitted,

HEARTLAND BANK AND TRUST
COMPANY, an Illinois state bank,

By: /S/ Tina M. Jacobs
One of Its Attorneys

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